D.B. CIVIL SPECIAL APPEAL(W)NO.82/2007

Dalpat Singh
Vs.
State of Rajasthan

Date of Order :: 16-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri K.S. Rathore, for the appellant.

This appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant.

The appellant had filed the writ petition seeking direction upon the respondents to permit him to construct residential house. The learned Single Judge dismissed the writ petition on two grounds; firstly, the land is agricultural and unless it is converted into Abadi land, construction cannot be made; secondly, the Supreme Court has stayed any kind of construction activity in the region. There is some dispute about the nature of the land – whether it is agricultural or Abadi – as contended by the appellant. However, there is no dispute that the Supreme Court has stayed any kind of construction at Mount Abu where the appellant wants to make construction. Counsel however submitted that the Supreme Court has stayed new construction whereas the appellant wants to make repairs. It is

the admitted position that appellant already has a house at Mount Abu, and we are satisfied that what appellant wants is to construct another house.

Since there cannot be any construction, at least, for the present, in view of the order of the Supreme Court, the learned Single Judge did not commit any error in dismissing the writ petition.

The appeal is dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen